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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,340	12/08/2003	Peter C. Anderson	APC01-CIP	3536
24222	7590	05/02/2007		
MAINE & ASMUS 100 MAIN STREET P O BOX 3445 NASHUA, NH 03061-3445			EXAMINER HANSEN, JAMES ORVILLE	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,340

Applicant(s)

ANDERSON, PETER C.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,6-8,12-14,16,17,19-21 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,6-8,12-14,16,17,19-21 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to all the claims, except claim 25, have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed February 20, 2007 have been fully considered but they are not persuasive. With regards to the application of the Kiraly reference, note the following: the position is taken that Kiraly adequately teaches all the claimed limitations as set forth by the applicant and will therefore be retained as a basis for rejection under 102(b) - anticipation. The previous rejections under 102(b) in view of Kiraly have been vacated as necessitated by applicant's amendments to those claims.
3. It is noted that the Terminal Disclaimer filed on November 27, 2006 has been approved.

Election/Restrictions

4. Claims 12, 21 & 25 have been amended to comply with the species requirement. Election was made **without** traverse in the reply filed on February 20, 2007.

Drawings

5. The proposed replacement sheet of drawings was received on November 27, 2007. These drawings have not been approved by the examiner since the element labeled "21'" in the drawings is described in the specification as element "20' ". As such, the examiner cannot approve the drawings at this time in the prosecution of the application. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 20 & 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Accordingly, it is not clear from the disclosure how the list of claimed components will actually function as presently set forth. The claim appears to be devoid of structural properties that would allow the slider component to be coupled to the structure and function as claimed.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2, 4, 6-8, 12-14, 16, 17, 19-21, 24 & 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 8, the phrases "said front edge of said panel" and "said front edge of said opening" do not have a proper antecedent basis. In claim 19, the phrase "said at least one sliding assembly" does not have a proper antecedent basis. In claim 24, the phrases "said slider assembly" and "said upper limit" do not have a proper antecedent basis. In Claim 27, the phrases "said sliding component" do not have a proper

antecedent basis. Consequently, the remaining claims are rejected since they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Kiraly [U.S. Patent No. 3,347,184]. Kiraly (figures 1-14) teaches of a system for the retraction and deployment of a panel (fig. 1), the system comprising: a first planar surface (67 or 33) beneath which is disposed a support structure (27); a panel consisting of a work surface (66 or 35); an opening (see opening in figs. 1 and 12) disposed in the first planar surface which is configured to receive the panel into a closed position disposed in the opening and substantially co-planar with the first planar surface; at least one slider assembly (depicted in figures 1 & 12), comprising a stationary component (41) and a sliding component (37) [It is noted that the recitation of a “sliding component” does not convey the same interpretation as a recitation of a “component that slides” for example, and therefore this limitation will be given it’s broadest reasonable meaning], the stationary component coupled to the support structure and disposed at a sloping angle {such as shown in fig. 9 at that position – as one example}, the sliding component coupled to the panel at a hinge point (39) such that the panel is rotatable between a co-planar closed position angle and the sloping angle, and when the sliding component is fully extended is slidable on the slider assembly at the sloping angle to a

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stowed position [viewed that the component is “slidable” between positions that constitute the range of movement relative to it’s fixed ends – so far as broadly recited]; and the panel being movable between the stowed position wherein the panel is pitched at a stowed position angle equal to the sloping angle and the closed position by lifting the panel from either position, rotating the panel to match the angle of the other position, and lowering the panel into the other position as readily apparent to the examiner.

12. Claims 2, 4, 6-8, 12-14, 16, 17, 19-21, 24, 26 & 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaaler [U.S. Patent No. 820,272]. Vaaler (figures 1-7) teaches of a system for the retraction and deployment of a panel (fig. 1), the system comprising: a first planar surface (top of the structure depicted in fig. 1); a panel (C) consisting of a work surface; an opening (see opening in fig. 3 for example) disposed in the first planar surface which is configured to receive the panel into a closed position disposed in the opening and substantially co-planar with the first planar surface; a slider component (f) disposed at a sloping angle beneath the plane of the first planar surface (see figures – as readily apparent to the examiner); a hinge (E) coupling the component and the panel, such that the panel can rotate between coplanar and angled orientation relative to the first planar surface; and the component being configured to receive the panel beneath the first planar surface and laterally displaced from the opening such as shown in figure 5. The system further comprises a panel edge support (b) and/or (a) disposed beneath the first planar surface, such that when the panel is closed, the panel is supported by the support, wherein the panel support may be a plurality of supports (b & a), wherein the opening is a square and bounded by the first planar surface on three sides (as readily apparent (note cut-

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section as shown in fig. 3), wherein the front edge of the panel and the front edge of the opening have mating profiles (note figs. 1 & 3). The system further comprising a second planar surface (D) or shelf at the bottom right of fig. 1) parallel to the first planar surface and disposed beneath the panel, wherein the shelf (bottom right element) is stationary as readily apparent to the examiner. As to claim 19, a plurality of assemblies is present since both sides of the structure (fig. 2) utilized opposite members, wherein a reinforcing member (D – for example) connects the plurality of components. As to claim 24, the hinge is not lower than the plane of the planar surface when a slider assembly is extended to an upper limit, as best understood by the examiner, in as much as applicant's device performs the intended function.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bancroft '586 & '646, Trost, Hafgar '322, '300, '678 & '974, and Meissner describe systems for the retraction and deployment of a panel.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

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any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

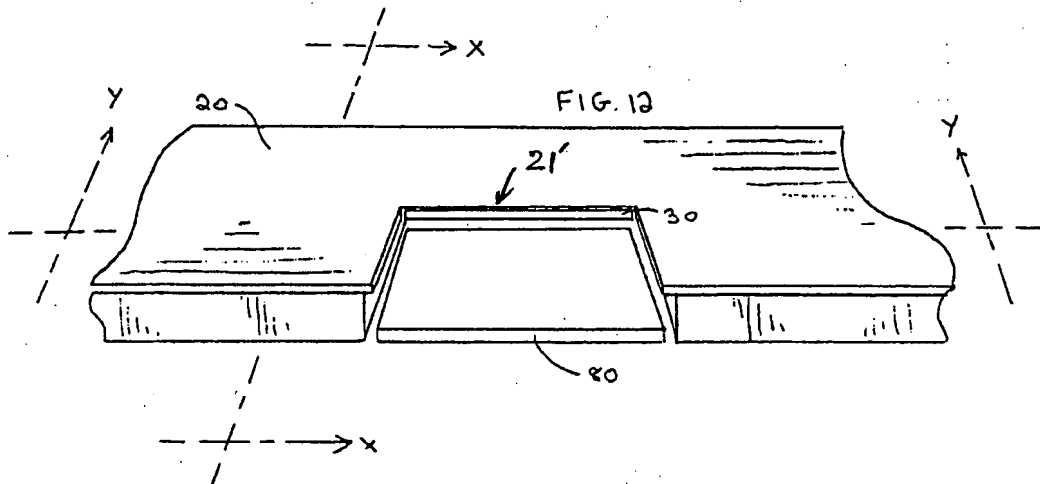
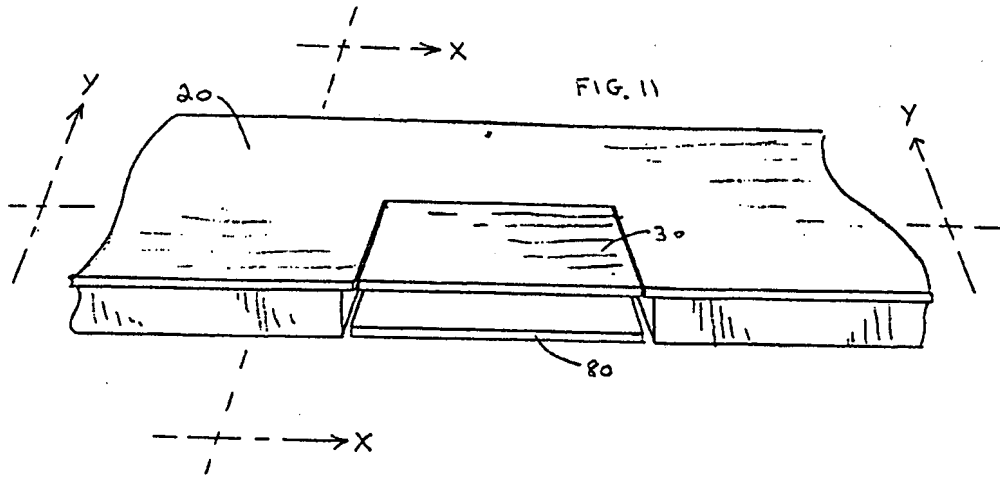
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James O. Hansen
Primary Examiner
Art Unit 3637

JOH
April 30, 2007

11/17



Not Approved for examination purposes
4/19/07 Jph